

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Applicant is submitting the present amendment without prejudice to the subsequent prosecution of the claims to some or all of the subject matter which might be lost by virtue of this paper, and explicitly reserves the right to pursue some or all of such subject matter, in divisional or continuation applications.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-16 were pending in this application when last examined.

Claims 1-5, 9-12, 15 and 16 were rejected.

Claims 6-8, 13 and 14 were objected to.

Minor editorial revisions have been made to improve the language therein to better conform to U.S. claim form. Such revisions are non-substantive and are not intended to narrow the scope of protection. Such revisions include: revising the beginning of the claims to recite "A" or "The" and revising the language therein to provide proper antecedent basis throughout; replacing the "characterized by" language with "wherein".

Claim 11 has been canceled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional application on any canceled subject matter.

New claim 17 has been added. Support can be found in original claim 1.

Claims 1-10 and 12-17 are pending upon entry of this amendment.

No new matter has been added by the above claim amendments.

Applicant notes that the above claim amendment are intended to address matters of formality only, as they are not intended to effect the scope of the claims. Accordingly, if the next Office Action on the merits includes a rejection of one or more claims, the Action must be non-final.

Applicant thanks the Examiner for the careful examination of this case and respectfully request re-examination and reconsideration of this case, as amended. Below Applicant addresses the rejections leveled in the Office Action, and explains why the rejections are not applicable to the pending claims.

II. INDEFINITENES REJECTION

Claims 3-5, 9-12, 15 and 16 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite for the reasons on pages 2-3 of the Office Action.

Applicant respectfully submits that the present amendment overcomes this rejection. As noted above, the claims have been revised to provide proper antecedent basis throughout,

thereby obviating the rejection as to claims 3 and 6. Also, claim 11 has been canceled without prejudice or disclaimer thereto for the sole purpose of expediting prosecution and not to acquiesce to the rejection.

Therefore, withdrawal of the above indefinite rejection is solicited.

III. OBVIOUSNESS REJECTION

Claims 1-4, 11 and 12 were rejected under 35 USC 103(a) as being obvious over ROTH (U.S. 6,572,057). On page 3 of the Office Action, it was indicated that ROTH discloses all of the recited elements as shown and claimed in the present invention, including the pin capable of being fixed by welding to avoid having it loose.

Applicant respectfully disagrees and submits that the Office has failed to show that the prior art reference teach, suggest or make obvious all the claimed limitations, as required to support a *prima facie* case of obviousness.

In claim 1, each spacer comprises "at a first end, at least one lug (12, 12'; 29, 29'; 49) for fixing to the fixing end-piece". See lines 7-10 of claim 1. The fixing lug and the fixing end-piece are co-operating by means of a contact of the type involving a plane on a generating line. See lines 13-15 of claim 1. Since the contact is of the type involving a plane on a generating line, before welding the lug, it can slip along the

fixing end-piece. As a result, the adjustment of the hook is very easy when mounting the hook on a vehicle. See, for example, the description at page 1, third paragraph of the original disclosure. This feature of claim 1 contrasts with the lug in ROTH.

The lug in ROTH co-operates with the fixing end-piece and is a threaded hanger rod 32 by means of a hole 30 receiving the threaded hanger rod 32. In ROTH, the lug is maintained on the threaded hanger rod by means of a nut, which is not movable when the conduit 22 is mounted on the hook (see figure 5 or 6). Thus, the adjustment of the hook in ROTH is less easy than with a hook according to claim 1.

Further, since the lug in ROTH is maintained on the threaded hanger rod by means of a nut, which is not movable when the conduit 22 is mounted on the hook, such teaching would not have led one skilled in the art, at the time the invention was made, to produce the suspension hook of claim 1, whereby the fixing lug and the fixing end-piece are co-operating by means of a contact of the type involving a plane on a generating line, such that it can slip along the fixing end-piece before welding. In fact, Applicant respectfully submits that such a teaching actually teaches away from the above-discussed feature in claim 1.

For this additional reason, it is clear that the hook in ROTH fails to meet the above-noted feature of claim 1.

For these reasons, ROTH fails to disclose each and every element of the claimed invention. Thus, ROTH cannot render obvious the present invention.

Withdrawal of the above 103(a) obviousness rejection is therefore solicited.

IV. CLAIM OBJECTIONS/ALLOWABLE SUBJECT MATTER

The Examiner objects to claims 6-8, 13 and 14 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims.

The Office further indicates that claims 5, 7-10, 12, 15 and 16 would be allowable if rewritten to overcome the 112, second paragraph indefiniteness rejection to include all of the limitations of the base claim and any intervening claims.

Applicants appreciate the Office's indication of allowable subject matter. It is respectfully submitted that the present amendment overcomes the outstanding rejections, thereby obviating these objections.

Nonetheless, certain of the claims, and in particular, claim 6 have been rewritten into independent form. Thus, at least claim 6 and all claims dependent thereon should be in condition for allowance.

V. CONCLUSION


In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice of that effect is hereby requested.

If the Examiner has any comments or proposals for expedited prosecution, please contact the undersigned attorney at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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